

JOHN L. BURRIS, SBN 69888  
BEN NISENBAUM, SBN 222173  
CHRISTOPHER A. DEAN, ESQ., Bar No. 550322  
**THE LAW OFFICES OF JOHN L. BURRIS**  
7677 Oakport Street, Suite 1120  
Oakland, California 94621  
Telephone: (510) 839-5200  
Facsimile: (510) 839-3882  
[John.Burris@johnburrislaw.com](mailto:John.Burris@johnburrislaw.com)  
[bnisenbaum@gmail.com](mailto:bnisenbaum@gmail.com)  
[chris.dean@johnburrislaw.com](mailto:chris.dean@johnburrislaw.com)

Attorneys for Plaintiffs

**UNITED STATES DISTRICT COURT**

**FOR THE NORTHERN DISTRICT OF CALIFORNIA**

CHARLES CORTEZ, an individual, HILMA CORTEZ , an individual, as co-successors-in-interest to Decedent Michael Cortez, J.S., a minor by and through her Guardian Ad Litem, Serina Sagon, individually and as co-successor-in-interest to Decedent, L.C., a minor by and through her Guardian Ad Litem, Ashley Mabutas, individually and as co-successor-in-interest to Decedent.

VS.

UNITED STATES OF AMERICA,  
Defendants.

M.P.C., a minor, by his mother Justine Pasion, successor –in-interest to Decedent Michael Cortez.

## Nominal Defendant.

| CASE NO.: 3:23-cv-01222-MMC

**SUPPLEMENTAL DECLARATION OF JOHN  
L. BURRIS IN SUPPORT OF MOTION TO  
WITHDRAW AS COUNSEL FOR PLAINTIFFS**

Date of Hearing: May 17, 2024

Time: 9:00 a.m.

Location: Courtroom 7, 19<sup>th</sup> Floor  
450 Golden Gate Avenue  
San Francisco, CA 94102

1 I, John L. Burris, declare:

2 1. I am over 18 years old and I am an attorney for the Plaintiffs in the above-captioned  
3 matter.

4 2. The facts set forth in this declaration are personally known to me. If called as a  
5 witness, I could and would competently testify as follows:

6 3. Plaintiffs and Movant have reached an impasse based on irreconcilable differences. In  
7 addition, counsel has become aware of information that makes it impossible to proceed.

8 4. Nominal Defendants and Movant have reached an impasse based on irreconcilable  
9 differences. In addition, counsel has become aware of information that makes it impossible to  
10 proceed.

11 5. Justinne Pasion and Movant have reached an impasse based on irreconcilable  
12 differences. In addition, counsel has become aware of information that makes it impossible to  
13 proceed.

14 6. Furthermore, Plaintiffs and Nominal Defendants are in the process of seeking new  
15 counsel and have requested a copy of their files, Counsel's withdrawal will not cause any prejudice or  
16 proceed.

17 7. Movant would also like to advise this honorable Court that we have been retained as  
18 counsel for the three minors, children of decedent, by and though their respective three mothers as  
19 their Guardians ad Litem. We have also advised the mothers that we are dissolving our attorney-client  
20 relationship with respect to our representation of the minors.

21 8. To clarify, Movant became aware of the existence of Justinne Pasion and minor M.P.C.  
22 on or around the time the Third Amended Complaint was filed. Movant did not represent Justinne  
23

1 Pasion and minor M.P.C. when the Third Amended Complaint was filed and therefore named minor  
 2 M.P.C as a nominal Defendant. Movant was retained as counsel for Justinne Pasion and minor M.P.C.  
 3 after the Third Amended Complaint was filed and learned of Justinne Pasion and minor M.P.C.'s  
 4 relationship with decedent. Justinne Pasion has not been added as a party to this matter but has  
 5 retained our firm as counsel.

7 9. To be specific, Movant seeks an order of withdrawal to Plaintiff Michael Cortez *as an*  
 8 *individual and co-successor-in-interest to Decedent Michael Cortez.*

9 10. Movant seeks an order of withdrawal to Plaintiff Hilma Cortez *as an individual and*  
 11 *co-successor-in-interest to Decedent Michael Cortez.*

12 11. Movant seeks an order of withdrawal to Plaintiff J.S. *a minor by and through her*  
 13 *Guardian Ad Litem Serina Sagon.*

14 12. Movant seeks an order of withdrawal to Plaintiff L.C. *a minor by and through her*  
 15 *Guardian Ad Litem Ashley Mabutas.*

16 13. Movant seeks an order of withdrawal to nominal Defendant M.P.C *a minor, by and*  
 17 *through his mother Guardian Ad Litem Justinne Pasion.*

18 14. Movant seeks an order of withdrawal to Justinne Pasion, *an individual and co-*  
 19 *successor-in-interest to Decedent Michael Cortez.*

20 15. Based on these facts, the Law Offices of Burris Nisenbaum Curry & Lacy, LLP  
 21 respectfully requests that the Court dismiss the firm as counsel.

22 16. I declare under penalty of perjury under the laws of the United States of America that  
 23 the foregoing is true and correct and if called as a witness, I could and would competently testify  
 24 thereto. This Declaration is signed on April 11, 2024.

1                   **I informed Plaintiffs and Nominal Defendants in writing of our intent to withdraw from**  
2                   **representation**

3                   17. I first contacted Charles Cortez on January 18, 2024 by telephone. During that  
4 conversation, he stated that he would seek other counsel and a second opinion. I have engaged in a  
5 lengthy email conversation with Mr. Cortez regarding our intent to withdraw.

6                   18. I first contacted Hilma Cortez on January 18, 2024 by telephone and email. During  
7 that conversation, she stated that she would seek a second opinion. I have engaged in a lengthy email  
8 conversation with Ms. Cortez regarding our intent to withdraw.

9                   19. On January 24, 2024 I contacted Justinne Pasion, Guardian Ad Litem to Nominal  
10 Defendant M.P.C. in regards to our intent to withdraw. I have engaged in a lengthy email conversation  
11 with Ms. Pasion regarding our intent to withdraw as counsel for Ms. Pasion and Nominal Defendant  
12 M.P.C.

13                   20. On January 24, 2024 I contacted Serina Sagon, Guardian Ad Litem to Plaintiff J.S. in  
14 regards to our intent to withdraw. I engaged in a lengthy email conversation with Ms. Sagon regarding  
15 our intent to withdraw as counsel for Plaintiff J.S.

16                   21. On January 24, 2024 I contacted Ashley Mabutus, Guardian Ad Litem to Plaintiff L.C.  
17 in regards to our intent to withdraw. I engaged in a lengthy email conversation with Ms. Mabutus  
18 regarding our intent to withdraw as counsel for Plaintiff L.C.

19                   22. It is my understanding that they intend to seek other counsel.

20                   **There is good cause to allow us to withdraw from representation**

21                   23. All of the above facts amount to good cause to allow us to withdraw from the case.  
22 The clients refuse to follow our advice. At this point, substantive litigation has not begun on this case.

1 In addition, the parties have requested the court to extend the briefing schedule and continue hearing  
2 dates. Thus, this would be an opportunity for Plaintiffs, Nominal Defendants, and other interested  
3 parties to find new counsel.  
4

5 I declare under penalty of perjury under the laws of the United States that the foregoing is true  
6 and correct and that this declaration was executed on April 11, 2024 in Oakland, California.  
7

8 Dated: April 11, 2024

/s/ John L. Burris

9  
10 John L. Burris  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28